

Sep. 30. 2008 2:28PM

No. 0906 P. 1

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ATTORNEYS AT LAW

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INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK
AND COPYRIGHT LAW

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September 30, 2008

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

To Fax No: 1 (571) 273-6500 (6 pages)

By: Christine Kotran
Christine Kotran

Date: September 30, 2008

Mail Stop 16 - Attn.: Refund Branch
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Refund - Charge(s) to Deposit Account No. 08-2441
August 2008 Statement / Our Ref.: Ascher et al. / 10/527,882/ KS4256US (#90711)

Gentlemen:

A copy of a printout of our Deposit Account statement with a "Requested Statement Month" date of August 2008 is attached. The following charge to our Deposit Account has been entered in error:

<u>Date</u>	<u>Seq</u>	<u>Posting Ref Txt</u>	<u>Attorney Docket Nbr</u>	<u>Fee Code</u>	<u>Amt</u>
1) 08/25	4	10527882	KS4258US	1201	\$210.00

Copies of the following documents are attached and verify that the \$210.00 charge is a duplicate of a fee that was charged to and paid by our American Express credit card account, as indicated below:

1) The application was mailed to the Office for filing on March 15, 2005 with a Petition for Revival and the Preliminary Amendment contained 10 claims (claim 9 being canceled) -

Independent: 1, 6, 8, 10, 11 (5 independent)
 Dependent: 2, 3, 4, 5, 7 (5 dependent)

The transmittal for the Preliminary Amendment indicated that any additional fee that may be required be charged to the Deposit Account of Novartis, so any fees due would have been charged at that time in 2005. (This case was not filed by our firm.)

2) A response to the Office Action dated 9/7/2007 was mailed 3/7/2008 and only made minor amendments to claims 6, 10 and 11, so the claim count remained the same. (Fees were paid for a three-month extension of time and a Terminal Disclaimer.)

3) A response to the Office Action dated 5/5/2008 was mailed 7/7/2008 in which claim 7 was amended to be in independent form and claim 8 had a minor clerical amendment. Therefore, the claim count became:

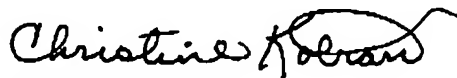
Independent: 1, 6, 7, 8, 10, 11 (6 independent)
 Dependent: 2, 3, 4, 5, 7 (5 dependent)

The copies of our Fee Transmittal and Credit Card Payment Form dated July 7, 2008 and the sheet from our American Express account confirm payment of the additional \$210.00 for the addition of claim 7 as an independent claim.

Accordingly, please credit Deposit Account 08-2441 for the amount totaling \$210.00 so as not to jeopardize the balance of this account.

Please do not hesitate to contact us if there are any questions concerning the processing of this credit.

Sincerely yours,



Christine Kotran for
 Maxine Singer, Administrator

Att.



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Deposit Account Statement

Requested Statement Month: August 2008
Deposit Account Number: 082441
Name: D PETER HOCHBERGCO, L.P.A.
Attention: MAXINE SINGER
Street Address 1: 1940 EAST 8TH STREET
Street Address 2: THE BAKER BUILDING - 6TH FLOOR
City: CLEVELAND
State: OH
Zip: 44114
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/19	11359	3410015	JN4381CA(#90664)	8503	\$15.00	\$1,539.31
08/19	11388	3409950	JN4368CA(#90664)	8503	\$15.00	\$1,524.31
08/20	27	11784694	DX0470US:DIV2 (#90545)	2201	-\$105.00	\$1,629.31
→ 08/25	4	10527882	KS4258US (#90711)	1201	\$210.00	\$1,419.31 ←
START SUM OF BALANCE CHARGES				SUM OF REPLENISH	END BALANCE	
\$1,554.31 \$240.00				\$105.00	\$1,419.31	

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PTO/SB/17 (10-07)
Approved for use through 08/30/2010. OMB 0851-0032
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FEE TRANSMITTAL

For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 210.00

Complete if Known

Application Number 10/527,882
Filing Date March 15, 2005
First Named Inventor Gerd Ascher
Examiner Name Mark L. Berch
Art Unit 1624
Attorney Docket No. KS4256US (#90711)

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):
☒ Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	0.00
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee (\$)
10 - 20 or HP = 0	x	0.00
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
6 - 3 or HP = 1	x	210.00
HP = highest number of independent claims paid for, if greater than 3.		
		Fee Paid (\$)
		210.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100	150	2	260.00	0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature *D. Peter Hochberg* Registration No. 24,603 Telephone 216-771-3800
Name (Print/Type) D. Peter Hochberg (Attorney/Agent)
Date July 7, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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